

and expenditures on account of said funds and the balance standing to the credit of the State at the time of making such report.

Cited but not construed in *State v. Applegarth*, 81 Md. 298.

See notes to sec. 32.

Painted Numbers for Dredging Vessels.

1904, art. 72, sec. 31. 1894, ch. 380, sec. 30. 1910, ch. 413, sec. 31 (p. 208).

32. The comptroller shall have painted in black figures on white canvas one number corresponding to the license to catch oysters with scoop, scrape, dredge or other similar instruments; each figure shall be twenty-two inches in length and of proportionate width, and the figures at least six inches apart; and he shall give to each person taking out such license one number thereof, which shall be securely sewed upon the starboard side and in the middle of that part of the mainsail which is above the close reef; this number shall be placed in an upright position and worn at all times during the dredging season, and returned at the end of the season, and shall not be concealed or defaced, and no other number shall be exposed to view or used than that which is furnished by the comptroller. Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, as provided in section 17 of this article; and in any such case the boat or vessel shall be forfeited and condemned, in the discretion of the judge, in the manner as provided in section 29. The provisions of this section shall apply to all boats licensed to take oysters with scrape or scoop by any county in this State, except that the numbers for such boats shall be painted red instead of black; and the numbers shall be delivered by the comptroller to the clerks of the courts as they may be ordered; and at the end of the season all licenses not used shall be returned by said clerks to the comptroller; and the said clerks shall also pay to the comptroller one-half of all moneys received by him for such licenses, which sum shall be placed to the credit of the oyster fund.

Since it is manifest that the clerk will receive no money from licenses not used, it is apparent that there is some error in this section. The words "such licenses" as used in the last sentence of this section, do not refer to licenses used, and hence this section is not in conflict with, and does not repeal, section 31 as to the amount the clerk is to pay the state from scraping licenses. Section 31, and not this section, is the important one. *Smith v. School Commissioners*, 81 Md. 514 (decided prior to the act of 1910, ch. 413).

Under the act of 1886, ch. 296, section 41, officers of the state fishery force have authority to arrest without a warrant. A written charge need not be filed with the magistrate *Kane v. State*, 70 Md. 548.

Dredging in Exempted Waters.

Ibid. sec. 32. 1894, ch. 380, sec. 31.

33. If any boat or vessel shall be seen sailing on any of the waters of this State which are exempted from dredging by law in the same manner in which they sail to take or catch oysters with scoop, scrape, drag or dredge or similar instruments, the said boat or vessel shall be